



American Civil Liberties Union
of Montana
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February 22, 2013

Dear Chairman Murphy and Members of the Senate Judiciary Committee,

The American Civil Liberties Union of Montana supports SB 306 by Senator Alan Olson. This bill removes the gender-specific limitation on the application of the Partner Family Member Assault statute and brings the statute into compliance with constitutional equal protection principles.

As you can imagine, it is the rare occurrence when the ACLU of Montana advocates for the expanded application of a criminal statute, but we do so in this instance in order to further the general principle that all Montanans should be treated the same under the law, regardless of their sex. The language used in current law allows for disparate treatment of victims and defendants based solely on the gender of the people involved. Specifically, the provision that SB 306 seeks to remove states that assaultive behavior against a partner is punishable under this code section only if the victim and the accused are different sexes. This provision is inconsistent with the equal protection principles guaranteed in our state constitution and recently led a state district court to rule the statute unconstitutional and unenforceable.

Generally speaking, all people should be treated the same under the law, with no special exceptions made or different rules applied based on someone's sex. By striking this provision, SB 306 corrects a serious constitutional violation and creates parity for victims and among defendants.

We respectfully urge you to vote "do pass" on SB 306.

Respectfully,

Niki Zupanic
Public Policy Director

